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Introduced and read first time: February 7, 2003

Assigned to: Environmental Matters

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Committee Report: Favorable

House action: Adopted

Read second time: March 20, 2003

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Vehicle Laws - Drivers' Licenses - Suspension, Revocation, or Refusal for**  
3 **Epilepsy**

4 FOR the purpose of repealing certain provisions relating to the suspension or  
5 revocation of, or refusal to issue or renew, an individual's driver's license  
6 because the individual's driving may be adversely affected by the individual's  
7 epilepsy; and generally relating to the suspension, revocation, or refusal of  
8 drivers' licenses.

9 BY repealing and reenacting, with amendments,  
10 Article - Transportation  
11 Section 16-208  
12 Annotated Code of Maryland  
13 (2002 Replacement Volume)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - Transportation**

17 16-208.

18 (a) (1) Except as provided in paragraph (2) of this subsection, § 16-206(a)(4)  
19 and (c) of this subtitle, and § 16-404(c)(2) and (3) of this title, the Administration may  
20 not suspend a license or privilege to drive for a period of more than 1 year.

1                   (2)     [Subject to the provisions of paragraph (3) of this subsection, after]  
2 AFTER notice and hearing, the Administration may suspend for an indefinite period  
3 the license or privilege of any individual who cannot drive safely because of his  
4 physical or mental condition.

5                   (3)     [If the Administration suspends or revokes a license of an individual  
6 based upon evaluation of competent medical evidence that the individual's driving  
7 may be adversely affected by the individual's epilepsy, the period of suspension or  
8 revocation may not exceed 90 days unless the individual experiences a seizure within  
9 90 days after the period of suspension or revocation begins.

10                  (4)     If the Administration refuses to issue or renew the license of an  
11 individual based upon evaluation of competent medical evidence that the individual's  
12 driving may be adversely affected by the individual's epilepsy, the period of the  
13 refusal to issue or renew the license may not exceed 90 days unless the individual  
14 experiences a seizure within 90 days after the refusal to issue or renew the license.

15                  (5)     After the period of suspension, revocation, or refusal to issue or  
16 renew a license under paragraph (3) or (4) of this subsection, and if an individual is  
17 otherwise eligible, the Administration:

18                           (i)     Shall immediately issue to the individual a noncommercial  
19 Class C or Class M license;

20                           (ii)    Subject to the provisions of paragraph (6) of this subsection,  
21 may, upon request, immediately issue to the individual a license other than a  
22 noncommercial Class C or Class M license; and

23                           (iii)   Subject to the provisions of paragraph (6) of this subsection,  
24 shall, upon request, issue to the individual a license other than a noncommercial  
25 Class C or Class M license after a period not to exceed nine months.

26                  (6)     Before the Administration issues a license to an individual under  
27 paragraph (5)(ii) or (iii) of this subsection, the Administration may:

28                           (i)     Require the individual to be tested; and

29                           (ii)    Restrict the license issued to the individual after the individual  
30 becomes eligible to drive following a period of suspension, revocation, or refusal to  
31 issue or renew a license under paragraph (3) or (4) of this subsection by:

32                                   1.     Designating the specific class of commercial or  
33 noncommercial license to be issued to the individual;

34                                   2.     Designating the endorsements permitted on the  
35 individual's license; and

36                                   3.     Imposing any other restriction authorized under § 16-113  
37 of this title.

1           (7)     The Administration shall adopt regulations to administer the  
2 provisions of paragraphs (3) through (6) of this subsection.

3           (8)]     This subsection does not apply to or affect the suspension of any  
4 license:

5           (i)     For failure to comply with the required security provisions of  
6 Title 17 of this article;

7           (ii)    For failure to appear at a hearing as provided in Title 12,  
8 Subtitle 2 of this article;

9           (iii)   For failure to obey a citation, as provided in Title 26 of this  
10 article;

11          (iv)    For failure to pay a fine in accordance with the court's directive  
12 as provided in Title 27 of this article; or

13          (v)     For failure to pay child support, as provided in § 16-203 of this  
14 title.

15   (b)   (1)     Any individual whose license or privilege to drive has been revoked  
16 may apply for reinstatement of the individual's license or privilege as provided in this  
17 subsection.

18          (2)   (i)     If it is the individual's first revocation, the individual may file a  
19 reinstatement application at any time after the day the revoked license is  
20 surrendered to and received by the Administration or, in the case of an individual who  
21 does not have a license issued under this title, after the effective date of the  
22 revocation.

23          (ii)    Except as provided in paragraph (6) of this subsection, on  
24 receipt of the application, the Administration may reinstate the license or privilege 6  
25 months after the revoked license is received by the Administration or, in the case of  
26 an individual who does not have a license issued under this title, 6 months after the  
27 effective date of revocation.

28          (3)   (i)     If it is the individual's second revocation, the individual may file  
29 a reinstatement application at any time after 1 year from the day the revoked license  
30 is surrendered to and received by the Administration or, in the case of an individual  
31 who does not have a license issued under this title, after 1 year from the effective date  
32 of revocation.

33          (ii)    Except as provided in paragraph (6) of this subsection, on  
34 receipt of the application, the Administration may reinstate the license or privilege.

35          (4)   (i)     If it is the individual's third revocation, the individual may file  
36 a reinstatement application at any time after 18 months from the day the revoked  
37 license is surrendered to and received by the Administration or, in the case of an

1 individual who does not have a license issued under this title, after 18 months from  
2 the effective date of revocation.

3 (ii) Except as provided in paragraph (6) of this subsection, on  
4 receipt of the application, the Administration may reinstate the license or privilege.

5 (5) (i) If it is the individual's fourth or subsequent revocation, the  
6 individual may file a reinstatement application at any time after 2 years from the day  
7 the revoked license is surrendered to and received by the Administration or, in the  
8 case of an individual who does not have a license issued under this title, after 2 years  
9 from the effective date of revocation.

10 (ii) Except as provided in paragraph (6) of this subsection, on  
11 receipt of the application, the Administration may reinstate the license or privilege.

12 (6) (i) The Administration may not reinstate a license or privilege to  
13 drive under this subsection if the license or privilege has been refused, revoked,  
14 suspended, or canceled under any other provision of the Maryland Vehicle Law.

15 (ii) 1. In this subparagraph, "alcohol-related or drug-related  
16 driving incident" means a:

17 A. Conviction or probation before judgment for a violation of  
18 § 21-902(a), (b), (c), or (d) of this article or a substantially similar law of another  
19 jurisdiction;

20 B. Refusal to submit to a test under § 16-205.1 of this title or  
21 a substantially similar law of another jurisdiction; or

22 C. Test result that indicates an alcohol concentration of 0.10  
23 or more at the time of testing under § 16-205.1 of this title or a substantially similar  
24 law of another jurisdiction.

25 2. Alcohol-related or drug-related driving incidents  
26 committed at the same time or arising out of the same circumstances may not be  
27 considered separate alcohol-related or drug-related driving incidents for the purpose  
28 of this subparagraph.

29 3. Notwithstanding paragraphs (1) through (5) of this  
30 subsection, the Administration may reinstate a license or privilege to drive only if,  
31 after an investigation of an individual's habits and driving ability, the Administration  
32 is satisfied it will be safe to reinstate the license or privilege of an individual who has  
33 been:

34 A. Involved in any combination of three or more separate  
35 alcohol-related or drug-related driving incidents;

36 B. Involved in a vehicular accident resulting in the death of  
37 another person; or

